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9 *Attorneys for Defendants AquaWorks Construction Inc.,*
10 *Randy Wilmeth and Kim Hollenbeck*

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AQUATECH CORPORATION, d/b/a
UNITED AQUA GROUP, a Delaware
corporation,

Plaintiff,

v.

AQUAWORKS CONSTRUCTION INC., a
Colorado corporation; RANDY WILMETH,
an individual; and KIM HOLLENBECK, an
individual,

Defendants.

Case No. 2:23-cv-01131-MMD-DJA

**STIPULATION AND ORDER TO
EXTEND TIME FOR DEFENDANTS TO
RESPOND TO COMPLAINT**

(Third Stipulation)

Defendants AquaWorks Construction, Inc. ("AquaWorks"), Randy Wilmeth ("Wilmeth") and Kim Hollenbeck ("Hollenbeck") (collectively, "Defendants"), by and through their undersigned counsel, and Plaintiff Aquatech Corporation d/b/a United Aqua Group ("Plaintiff"), by and through its undersigned counsel, hereby stipulate and agree, subject to this Court's approval, as follows:

WHEREAS, Plaintiff filed its Complaint initiating this matter on July 19, 2023;

WHEREAS, Defendants were served with the Summons and Complaint on July 31, 2023;

WHEREAS, Wilmeth and Hollenbeck are residents of the State of Colorado, and AquaWorks is a Colorado corporation principally doing business in the State of Colorado;

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1 WHEREAS, after being served with the Summons and Complaint, Wilmeth and
2 Hollenbeck were travelling on a trip planned prior to the initiation of this lawsuit which delayed
3 their ability to identify, interview and retain legal counsel in Nevada, a State in which
4 AquaWorks does not regularly conduct business;

5 WHEREAS, the deadline to file a responsive pleading to the Complaint was Monday,
6 August 21, 2023;

7 WHEREAS, Plaintiff agreed to provide the Defendants up to and including September 5,
8 2023, to respond to Plaintiff's Complaint;

9 WHEREAS, on August 22, 2023, the Court granted the parties first stipulation to extend
10 the time for Defendants to respond to the Plaintiff's Complaint on September 5, 2023 (ECF No.
11 12);

12 WHEREAS, the parties have had discussions and are exchanging information and
13 documents in hopes of coming to an early resolution of this lawsuit, which requires additional
14 time to continue such discussions and exchange information/documents;

15 WHEREAS, on September 5, 2023, the Court granted the parties second stipulation to
16 extend the time for Defendants to respond to the Plaintiff's Complaint up to and including
17 September 26, 2023 (ECF No. 14);

18 WHEREAS, the parties are still in the process of exchanging information/documents in
19 hopes of negotiating an early resolution of this lawsuit;

20 WHEREAS, the parties have agreed to an additional two-week extension for Defendants
21 to respond to Plaintiff's Complaint in order to facilitate the settlement discussions;

22 WHEREAS, this is the third stipulation filed with this Court to extend the time for the
23 Defendants to respond to Plaintiff's Complaint and the stipulation is made in good faith and not
24 to delay this matter;

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ACCORDINGLY, the Parties hereby request that the Court grant this Stipulation to extend the deadline for Defendants to file a responsive pleading to the Complaint up to and including October 10, 2023.

DATED this 26th day of September, 2023.

DATED this 26th day of September, 2023.

SEMENZA KIRCHER RICKARD

LEWIS ROCA ROTHGERBER CHRISTIE
LLP

/s/ Christopher D. Kircher

/s/ Benjamin Struby, Esq.

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-and

Attorneys for Defendants *AquaWorks Construction Inc., Randy Wilmeth and Kim Hollenbeck*

Attorneys for Plaintiff

IT IS SO ORDERED.

ORDER

UNITED STATES MAGIS

UNITED STATES MAGISTRATE JUDGE

DATED: 9/27/2023